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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/061,017 04/15/98 BAKER

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LM01/0511
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EXAMINER

VINCENT, D

ART UNIT

PAPER NUMBER

2732

DATE MAILED:

05/11/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/061,017

Applicant(s)
Baker

Examiner
D. Vincent

Group Art Unit
2732



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1.5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2732

DETAILED ACTION

Claim Objections

1. Claim 6-9 are objected to because of the following informalities:

For example:

Claim 6, line 1, "The method of claim 0-1" needs to be changed to "The method of claim 1. Appropriate correction is required.

Note

It should be noted, in the event that the Applicant would like advice in how to amend the claims, that i.e., independent claims 12, and 18 do not specify the functionality that is shown in the Applicant's figure one. In other words, the Applicant's figure one discloses operations which claims 12 and 18 do not specify in means plus function form nor do claims 12 and 18 specify what the elements 110, 120, 130, 140, are actually doing or are used for.

Conventional add-drop multiplexers are well known and are used in many applications. For example, in SONET systems it is easy to multiplex 24 64 kbps lines into a T1 line and then to

Art Unit: 2732

multiplex T1/DS-1 lines into a 51 Mbps line, i.e. an OC-1 line or into a 155 Mbps SDH line. It is also well known that DS-0/64 kbps lines can easily be multiplexed into and out of SONET lines.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the DRAM/ burst mode DRAM, as specified in claims 8-9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Afify (US 5,291,485).

As shown in Figs. 9-10, Afify discloses a plurality of multiplexers (i.e. 126/132, Fig. 9; 194/186, Fig. 10a), a state

Art Unit: 2732

machine (microprocessor, 114), a bus (serial bus, parallel bus, high speed and low speed buses, col. 1, lines 12-19; col. 3, lines 6-33), and a memory/buffer (i.e., 110, Figs. 9/10a; certainly using a memory and calling it a buffer is not a point of novelty).

Regarding using the term byte, the Examiner takes official notice that byte is a term of art and refers to 8 bits. In coding, i.e., voice, 8 bits times 8000 samples per second (Nyquist sampling theorem) equals 64 kbps which can also be called a DS-0 line. Furthermore, when talking about, i.e., SONET, or ATM (asynchronous transfer mode, and ATM runs on optical fibers/SONET/SDH), the term octet is used. An octet is also 8 bits.

Regarding the terminology groupings, this reads on bytes, octets, digital words, frames, headers, addresses, etc. Groupings comprising bytes, as specified in claim 3, reads on digital words, frames, headers, addresses, etc. Furthermore, a SONET frame comprises 90 columns/octetets/bytes times 9 rows times 8 bits per octet times 8000 bits 125 microseconds slots per second which equals the 51.8 Mbps STS-1 envelope (OC-1 when it is transferred to optical form).

Regarding the term bursts, the Examiner takes official notice that when establishing an ATM connection (which runs on

Art Unit: 2732

fiber optic/SDH lines) using a call admission control (CAC) algorithm the traffic contract is established using what is known as quality of service (QoS). Depending on the type of traffic a user may negotiate the minimum burst rate (MBR) or sustainable burst rate (SCR). In other words, the term burst is notoriously well known and is used when dealing with variable bit rate (VBR) traffic.

Regarding the term buffer/FIFO, the Examiner takes official notice that FIFO buffers are notoriously well known and that it is extremely common to use them in this environment (switching, routing, multiplexing, data transmission). Congestion and traffic are commonly gauged by buffer's capacity and the associated queuing that takes place. One reason that buffers are used is to regulate data traffic or the queue traffic. Another is to lessen call blocking in switches, routers or cross connects.

Regarding claim 12, the preamble is not given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951). An intended use clause found in the

Art Unit: 2732

preamble is not afforded the effect of a distinguishing limitation unless the body of the claim sets forth structure which refers back to, is defined by, or otherwise draws life and breath from the preamble. In re Casey, 152 USPQ 235 (CCPA 1967).

Claim Rejections - 35 USC § 103

5. Claims 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Afify as applied to claim 1 above, and further in view of Dobbins.

However, Afify fails to particularly call for the VLAN tags.

As shown in Figs. 3-4, Dobbins teaches VLAN tags.

Therefore it would have been obvious to one of ordinary skill in the art, having both Afify and Dobbins before him/her and with the teachings [a] as shown in Afify, that add-drop muxes and interfacing with various networks (col. 1, lines 12-19; col. 3, lines 6-33) are well known and [b] as shown in Dobbins, that VLAN tags/IDs are also well known, to modify the Networking system of Afify to further include VLANS and the associated tags/IDs because VLANS are more secure than regular Ethernet LANs.

Art Unit: 2732

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David R. Vincent whose telephone number is (703) 305-4957.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

IMPORTANT NOTICE

Art Unit: 2732

Effective April 13, 1998, the Examiner handling this application has been assigned to a new Art Unit/Tech. Center as a result of the consolidation into Technology Center 2700. See the Official Gazette notice dated November 11, 1997. For any written or facsimile communication submitted ON OR AFTER November 16, 1997, this Examiner, who was assigned to Art Unit 2615 and subsequently assigned to Art Unit 2713, is now assigned to **new Art Unit 2732**. Please include the new Art Unit 2732 in the caption or heading of any communication submitted after the November 16, 1997 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.



DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
GROUP 2700

David R. Vincent

May 6, 1999